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7 Attorney for the United States

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 JOEL KENNETH AUSBIE,

14 Defendant.
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2:16-cr-00155-JCM-CWH

STIPULATION TO SENTENCING
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between, the United States
17 of America, through the undersigned, together with DAVID CHESNOFF,
18 ESQ. and RICHARD SCHONFELD, ESQ., counsel for defendant JOEL KENNETH
19 AUSBIE, that the sentencing hearing currently scheduled for November 29, 2017 at
20 10:00 a.m., be vacated and set to a date and time convenient to this Court, but no sooner
21 than forty-five (45) days.

22 IT IS HEREBY STIPULATED and AGREED, by and between the parties herein
23 that the Government shall have to and including December 11, 2017, within which to
24

1 file its response to Defendant's *Motion to Dismiss Due to Multiplicity of Charges and*
2 *Violation of The Double Jeopardy Clause of The United States Constitution* (ECF No.
3 133) currently due November 29, 2017, and *Objection to Presentence Investigation Report*
4 (ECF No. 134).

5 This stipulation is entered into for the following reasons:

- 6 1. The Defendant is incarcerated and does not object to the continuance.
- 7 2. The parties need additional time to adequately prepare for Defendant Ausbie's
8 sentencing hearing in light of his recent *Motion to Dismiss Due to Multiplicity*
9 *of Charges and Violation of The Double Jeopardy Clause of The United States*
10 *Constitution* (ECF No. 133) and *Objection to Presentence Investigation Report*
11 (ECF No. 134).
- 12 3. The parties agree to the continuance.
- 13 4. Additionally, denial of this request for continuance could result in a
14 miscarriage of justice.
- 15 5. The additional time requested by this Stipulation is made in good faith and
16 not for purposes of delay.

17 This is the second request for a continuance of the sentencing hearing.

18 DATED this 17th day of November, 2017.

19 STEVEN W. MYHRE,
20 Acting United States Attorney
21 By: /s/ Lisa C. Cartier Giroux
LISA C. CARTIER GIROUX
Assistant United States Attorney

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23 By: RICHARD SCHONFELD, ESQ.
24 Counsel for Joel Kenneth Ausbie

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

2:16-cr-00155-JCM-CWH

Plaintiff,

ORDER

vs.

JOEL KENNETH AUSBIE,

Defendant.

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy sentencing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

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IT IS HEREBY ORDERED that the Government shall have to and including December 11, 2017, within which to file its response to Defendant's *Motion to Dismiss Due to Multiplicity of Charges and Violation of The Double Jeopardy Clause of The United States Constitution* (ECF No. 133) and *Objection to Presentence Investigation Report* (ECF No. 134).

DATED November 21, 2017.

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